

## Office of Thrift Supervision, Treasury

## § 516.200

(b) *Late-filed comments.* OTS may consider late-filed comments if OTS determines that the comment will assist in the disposition of the application.

[69 FR 68247, Nov. 24, 2004]

### Subpart D—Meeting Procedures

SOURCE: 69 FR 68247, Nov. 24, 2004, unless otherwise noted.

#### § 516.160 What does this subpart do?

This subpart contains meeting procedures. It applies whenever a regulation incorporates the procedures in this subpart, or when otherwise required by OTS.

#### § 516.170 When will OTS conduct a meeting on an application?

(a) OTS will grant a meeting request or conduct a meeting on its own initiative, if it finds that written submissions are insufficient to address facts or issues raised in an application, or otherwise determines that a meeting will benefit the decision-making process. OTS may limit the issues considered at the meeting to issues that OTS decides are relevant or material.

(b) OTS will inform the applicant and all commenters requesting a meeting of its decision to grant or deny a meeting request, or of its decision to conduct a meeting on its own initiative.

(c) If OTS decides to conduct a meeting, OTS will invite the applicant and any commenters requesting a meeting and raising an issue that OTS intends to consider at the meeting. OTS may also invite other interested persons to attend. OTS will inform the participants of the date, time, location, issues to be considered, and format for the meeting a reasonable time before the meeting.

#### § 516.180 What procedures govern the conduct of the meeting?

(a) OTS may conduct meetings in any format including, but not limited to, a telephone conference, a face-to-face meeting, or a more formal meeting.

(b) The Administrative Procedure Act (5 U.S.C. 551 *et seq.*), the Federal Rules of Evidence (28 U.S.C. Appendix), the Federal Rules of Civil Procedure (28 U.S.C. Rule 1 *et seq.*) and the OTS Rules

of Practice and Procedure in Adjudicatory Proceedings (12 CFR part 509) do not apply to meetings under this section.

#### § 516.185 Will OTS approve or disapprove an application at a meeting?

OTS will not approve or deny an application at a meeting under this subpart.

#### § 516.190 Will a meeting affect application processing time frames?

If OTS decides to conduct a meeting, it may suspend applicable application processing time frames, including the time frames for deeming an application complete and the applicable approval time frames in subpart E of this part. If OTS suspends applicable application processing time frames, the time period will resume when OTS determines that a record has been developed that sufficiently supports a determination on the issues considered at the meeting.

### Subpart E—OTS Review

SOURCE: 66 FR 13003, Mar. 2, 2001, unless otherwise noted.

#### EXPEDITED TREATMENT

#### § 516.200 If I file a notice under expedited treatment, when may I engage in the proposed activities?

If you are eligible for expedited treatment and you have appropriately filed your notice with OTS, you may engage in the proposed activities upon the expiration of 30 days after the filing date of your notice, unless OTS takes one of the following actions before the expiration of that time period:

(a) OTS notifies you in writing that you must file additional information supplementing your notice. If you are required to file additional information, you may engage in the proposed activities upon the expiration of 30 calendar days after the date you file the additional information, unless OTS takes one of the actions described in paragraphs (b) through (d) of this section before the expiration of that time period;

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(b) OTS notifies you in writing that your notice is subject to standard treatment under this subpart. OTS will subject your notice to standard treatment if it raises a supervisory concern, raises a significant issue of law or policy, or requires significant additional information;

(c) OTS notifies you in writing that it is suspending the applicable time frames under §516.190; or

(d) OTS notifies you that it disapproves your notice.

**STANDARD TREATMENT**

**§516.210 What will OTS do after I file my application?**

(a) *OTS action.* Within 30 calendar days after the filing date of your application, OTS will take one of the following actions:

If OTS * * *	Then * * *
(1) Notifies you, in writing, that your application is complete * * *.	The applicable review period will begin on the date that OTS deems your application complete.
(2) Notifies you, in writing, that you must submit additional information to complete your application * * *.	You must submit the required additional information under §516.220.
(3) Notifies you, in writing, that your application is materially deficient * * *.	OTS will not process your application.
(4) Takes no action * * * .....	Your application is deemed complete. The applicable review period will begin on the day the 30-day time period expires.

(b) *Waiver requests.* If your application includes a request for waiver of an information requirement under §516.25(b), and OTS has not notified you that you must submit additional information under paragraph (a)(2) of this section, your request for waiver is granted.

**§516.220 If OTS requests additional information to complete my application, how will it process my application?**

(a) You may use the following chart to determine the procedure that applies to your submission of additional information under §516.210(a)(1):

If, within 30 calendar days after the date of OTS's request for additional information * * *	Then, OTS may * * *.	And * * *.
(1) You file a response to all information requests * * *.	<p>(i) Notify you in writing within 15 days after the filing date of your response that your application is complete * * * applicable to all response that your application is complete * * *.</p> <p>(ii) Notify you in writing within 15 calendar days after the filing date of your response that you must submit additional information regarding matters derived from or prompted by information already furnished or any additional information necessary to resolve the issues presented in your application * * *.</p> <p>(iii) Notify you in writing within 15 calendar days after the filing date of your response that your application is materially deficient * * *.</p> <p>(iv) Take no action within 15 calendar days after the filing date of your response * * *.</p>	<p>The applicable review period will begin on the date that OTS deems your application complete.</p> <p>You must respond to the additional information request within the time period required by OTS. OTS will review your response under the procedures described in this section.</p> <p>OTS will not process your application.</p> <p>Your application is deemed complete. The applicable review period will begin on the day that the 15-day time period expires.</p>
(2) You request an extension of time to file additional information * * *.	<p>(i) Grant an extension, in writing, specifying the number of days for the extension * * *.</p> <p>(ii) Notify you in writing that your extension request is disapproved * * *.</p>	<p>You must fully respond within the extended time period specified by OTS. OTS will review your response under the procedures described under this section.</p> <p>OTS will not process your application further. You may resubmit the application for processing as a new filing under the applicable regulation.</p>